

Application No. 09/848,769
Amendment dated May 16, 2005
Reply to Office Action of January 14, 2005

REMARKS

Claims 1-37 are rejected by the Examiner. Claims 1-37 are still pending. Reconsideration is respectfully requested in view of the following remarks.

Amendment to the Specification

Applicants respectfully request that the Examiner enter the proposed amendment to the specification. Applicants submit that the proposed amendment adds no new subject matter to the disclosure. Applicants further submit that the proposed amendment brings the instant application's "Reference to Co-Pending Applications" section into compliance with the filing receipt recorded in the present matter. The filing receipt in the instant matter, attached hereto as Exhibit A, recognizes that the present application was properly filed as a conversion application claiming priority to a pending United States Provisional Patent Application and not as a continuation-in-part of a pending provisional application.

Claims Rejections - 35 U.S.C. §102

Claims 1-5, 10-16, 19-23, 25-28, and 30-37 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,636,873 issued to Carini et al.

Filed concurrently herewith is a Declaration of Michael T. Loos, submitted under 37 CFR § 1.131 and evidencing Applicants' efforts regarding the conception and reduction to practice of the claimed invention prior to April 17, 2000, the earliest date to which Carini et al. may claim priority. Applicants respectfully submit that the Declaration of Michael T. Loos establishes Applicants' conception and reduction to practice of the claimed subject matter prior to April 17, 2000. As such, Applicants respectfully submit that the Declaration of Michael T. Loos submitted under 37 CFR § 1.131 obviates Carini et al. as prior art, thereby removing Carini et al. as a valid basis for rejecting independent Claims 1, 12, 20, 27, 30, 32, 34 and 35 under 35 U.S.C. § 102(e). Accordingly, Applicants respectfully request that the Examiner reconsider the rejection of Claims 1, 12, 20, 27, 30, 32, 34 and 35, withdraw the rejection and allow Claims 1, 12, 20, 27, 30, 32, 34 and 35.

Application No. 09/848,769
Amendment dated May 16, 2005
Reply to Office Action of January 14, 2005

Claims 2-5 and 10-11 depend from and provide further patentable limitations to independent Claim 1. Applicants respectfully request the Examiner reconsider the rejections to Claims 2-5 and 10-11, withdraw the rejections and allow Claims 2-5 and 10-11.

Claims 13-16 and 19 depend from and provide further patentable limitations to independent Claim 12. Applicants respectfully request the Examiner reconsider the rejections to Claims 13-16 and 19, withdraw the rejections and allow Claims 13-16 and 19.

Claims 21-23 and 25-26 depend from and provide further patentable limitations to independent Claim 20. Applicants respectfully request that the Examiner reconsider the rejections to Claims 21-23 and 25-26, withdraw the rejections and allow Claims 21-23 and 25-26.

Claim 28 depends from and provides further patentable limitations to independent Claim 27. Applicants respectfully request the Examiner reconsider the rejections to Claim 28, withdraw the rejections and allow Claim 28.

Claim 31 depends from and provides further patentable limitations to independent Claim 30. Applicants respectfully request the Examiner reconsider the rejections to Claim 31, withdraw the rejections and allow Claim 31.

Claim 33 depends from and provides further patentable limitations to independent Claim 32. Applicants respectfully request the Examiner reconsider the rejections to Claims 33, withdraw the rejections and allow Claims 33.

Claims 36 and 37 depend from and provide further patentable limitations to independent Claim 35. Applicants respectfully request the Examiner reconsider the rejections to Claims 36 and 37, withdraw the rejections and allow Claims 36 and 37.

Claims Rejections - 35 U.S.C. §103

Claims 6-9, 17, 18 and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,636,873 issued to Carini et al. in view of U.S. Patent application No. 2002/0069874 to Hertzog et al. Claim 29 is rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,636,873 issued to Carini et al. in view of U.S. Patent Application No. 2003/0041263 to Devine et al.

Application No. 09/848,769
Amendment dated May 16, 2005
Reply to Office Action of January 14, 2005

Claims 6-9 depend from and provide further patentable limitations to independent Claim 1. Applicants respectfully request that the Examiner reconsider the rejection to Claims 6-9, withdraw the rejection and allow Claim 6-9.

Claims 17-18 depend from and provide further patentable limitations to independent Claim 12. Applicants respectfully request that the Examiner reconsider the rejections to Claims 17-18, withdraw the rejections and allow Claims 17-18.

Claim 24 depends from and provides further patentable limitations to independent Claim 20. Applicants respectfully request that the Examiner reconsider the rejection to Claim 24, withdraw the rejection and allow Claim 24.

Claim 29 depends from and provides further patentable limitations to independent Claim 27. Applicants respectfully request that the Examiner reconsider the rejection to Claim 29, withdraw the rejection and allow Claim 29.

Information Disclosure Statement

The Examiner has not provided an initialed copy of the Information Disclosure Statement of record in this case. Applicants respectfully request that the Examiner review and consider the art cited in the Information Disclosure Statement submitted in the present action on July 18, 2001.

Included herewith is a supplemental Information Disclosure Statement submitted pursuant to 37 CFR 1.97(c). Also included herewith is a check in the amount of \$180.00 pursuant to 37 CFR 1.97(c)(2) and 37 CFR 1.17(p). Applicants respectfully request that the Examiner consider the references cited in the attached IDS and pass the present application to issuance.

Application No. 09/848,769
Amendment dated May 16, 2005
Reply to Office Action of January 14, 2005

CONCLUSION

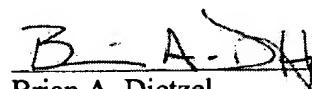
In light of the remarks set forth above, Applicants believe that they are entitled to a letters patent. Applicants respectfully solicit the Examiner to expedite the prosecution of this patent application to issuance. Should the Examiner have any question, the Examiner is encouraged to telephone the undersigned.

The Commissioner is hereby authorized to charge any required fees due in connection with this submission, including petition and extension of time fees, and to credit any overpayment, to Deposit Account No. 23-2415 (Docket No. 26625.705).

Respectfully submitted,

Date: 05.16.2005

By:



Brian A. Dietzel
Registration No. 44,656

WILSON SONSINI GOODRICH & ROSATI
650 Page Mill Road
Palo Alto, CA 94304-1050
(650) 493-9300
Customer No. 021971

RECEIVED

STM

Page 1 of 2



JAN 18 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/848,769	05/03/2001	2131	773	26625-705	16	37	8

CONFIRMATION NO. 6637

CORRECTED FILING RECEIPT



OC00000007299857

021971
WILSON SONSINI GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO, CA 943041050



Date Mailed: 01/11/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Michael T. Loos, Glendale, AZ;
Marc Lurie, Austin, TX;

Domestic Priority data as claimed by applicant

THIS APPLN CLAIMS BENEFIT OF 60/202,351 05/05/2000

Foreign Applications

If Required, Foreign Filing License Granted 07/02/2001

Projected Publication Date: 03/14/2002

Non-Publication Request: No

Early Publication Request: No

Title

System and method for communicating in a mobile domain across non-persistent data links

Preliminary Class

713

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related application(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).